

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

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|---------------------|---|------------------------|
| STATE OF OHIO, |) | CASE NO. 2010 CR 00378 |
| Plaintiff |) | |
| -vs- |) | JUDGE JOHN M. STUARD |
| DOUGLAS S. WINLAND, |) | FINDING ON GUILTY PLEA |
| Defendant |) | TO THE INDICTMENT |

After being fully informed by my attorney and by the Court of the charge(s) against me, I, DOUGLAS S. WINLAND, (hereinafter referred to as "I", "me," "my," or "Defendant") am making this plea knowingly and voluntarily to the following charge(s):

COUNT 1: DECEPTION TO OBTAIN A DANGEROUS DRUG (F4)
(ORC 2925.22(A)&(B)(2)(a)

I understand that the elements of the charge of **Deception to Obtain a Dangerous Drug (F4)** in Count 1 are: **The Defendant did in Trumbull County, Ohio, by deception as defined in Section 2913.01 of the Revised Code, procure the administration of, a prescription for, or the dispensing of a dangerous drug, or did possess an uncompleted pre-printed blank used for writing a prescription for a dangerous drug, and the drug involved is Oxycodone, a Schedule II controlled substance**

I further understand the consequences entering this plea, including the penalties, which can be from: **6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months and up to \$5,000.00 fine. Driver's license suspension for not less than six (6) months nor more than five (5) years.**

The prison term for this offense is not presumed necessary and is not mandatory.

DEFENDANT'S EXHIBIT
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COUNT 2: AGGRAVATED POSSESSION OF DRUGS (F5)
(ORC 2925.11(A)&(C)(1)(a))

I understand that the elements of the charge of **Aggravated Possession of Drugs (F5)** in Count 2 are: **The Defendant did in Trumbull County, Ohio, knowingly obtain, possess or use Oxycodone, a Schedule II controlled substance.**

I further understand the consequences entering this plea, including the penalties, which can be from: **6, 7, 8, 9, 10, 11, or 12 months and up to \$2,500.00 fine. Driver's license suspension for not less than six (6) months nor more than five (5) years.**

The prison term for this offense is not presumed necessary and is not mandatory.

COUNT 3: DECEPTION TO OBTAIN A DANGEROUS DRUG (F3)
(ORC 2925.22(A)&(B)(2)(b))

I understand that the elements of the charge of **Deception to Obtain a Dangerous Drug (F4)** in Count 1 are: **The Defendant did in Trumbull County, Ohio, by deception as defined in Section 2913.01 of the Revised Code, procure the administration of, a prescription for, or the dispensing of a dangerous drug, or did possess an uncompleted pre-printed blank used for writing a prescription for a dangerous drug, and the drug involved is Oxycodone, a Schedule II controlled substance, and the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount.**

I further understand the consequences entering this plea, including the penalties, which can be from: **Presumption in favor of a prison term of 1, 2, 3, 4, or 5 years and up to \$10,000.00 fine. Driver's license suspension for not less than six (6) months nor more than five (5) years.**

The prison term for this offense is presumed necessary and is not mandatory.

COUNT 4: AGGRAVATED POSSESSION OF DRUGS (F3)
(ORC 2925.11(A)&(C)(1)(b))

I understand that the elements of the charge of **Aggravated Possession of Drugs (F3)** in Count 2 are: **The Defendant did in Trumbull County, Ohio, knowingly obtain, possess or use Oxycodone, a Schedule II controlled substance, and the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount.**

I further understand the consequences entering this plea, including the penalties, which can be from: **Presumption in favor of a prison term of 1, 2, 3, 4, or 5 years and up to \$10,000.00 fine. Driver's license suspension for not less than six (6) months nor more than five (5) years.**

The prison term for this offense is presumed necessary and is not mandatory.

COUNT 5: DECEPTION TO OBTAIN A DANGEROUS DRUG (F5)
(ORC 2925.00(A)&(B)(1)(a))

I understand that the elements of the charge of **Deception to Obtain a Dangerous Drug (F5)** in Count 5 are: **The Defendant did in Trumbull County, Ohio, by deception as defined in Section 2913.01 of the Revised Code, procure the administration of, a prescription for, or the dispensing of a dangerous drug, or did possess an uncompleted pre-printed blank used for writing a prescription for a dangerous drug, and Douglas S. Winland did knowingly possess an uncompleted preprinted prescription blank used for writing a prescription for Hydrocodone, a Schedule II controlled substance.**

I further understand the consequences entering this plea, including the penalties, which can be from: **6, 7, 8, 9, 10, 11, or 12 months and up to \$2,500.00 fine. Driver's license suspension for not less than six (6) months nor more than five (5) years.**

The prison term for this offense is not presumed necessary and is not mandatory.

COUNT 6: POSSESSION OF DRUGS (M1) (ORC 2925.11(A)&(C)(2)(a)

I understand that the elements of the charge of Possession of Drugs (M1) in Count 6 are: **The Defendant did in Trumbull County, Ohio, knowingly obtain, possess or use Hydrocodone, a Schedule III controlled substance.**

I further understand the consequences entering this plea, including the penalties, which can be from: **Up to six (6) months in the Trumbull County Jail and up to \$1,000.00 fine.**

**COUNT 7: DECEPTION TO OBTAIN A DANGEROUS DRUG (F2)
(ORC 2925.00(A)&(B)(1)(c)**

I understand that the elements of the charge of Deception to Obtain a Dangerous Drug (F2) in Count 7 are: **The Defendant did in Trumbull County, Ohio, by deception as defined in Section 2913.01 of the Revised Code, procure the administration of, a prescription for, or the dispensing of a dangerous drug, or did possess an uncompleted pre-printed blank used for writing a prescription for a dangerous drug, and the drug involved is Oxycodone, a Schedule II controlled substance, and the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount.**

I further understand the consequences entering this plea, including the penalties, which can be from: **Presumption in favor of a prison term of 2, 3, 4, 5, 6, 7, or 8 years and up to \$15,000.00 fine. Driver's license suspension for not less than six (6) months nor more than five (5) years.**

The prison term for this offense is presumed necessary and is not mandatory.

COUNT 8: AGGRAVATED POSSESSION OF DRUGS (F3)
(ORC 2925.11(A)&(C)(1)(b))

I understand that the elements of the charge of **Aggravated Possession of Drugs (F2)** in Count 2 are: **The Defendant did in Trumbull County, Ohio, knowingly obtain, possess or use Oxycodone, a Schedule II controlled substance, and the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount.**

I further understand the consequences entering this plea, including the penalties, which can be from: **Mandatory prison term of 2, 3, 4, 5, 6, 7 or 8 years and up to \$15,000.00 fine. Driver's license suspension for not less than six (6) months nor more than five (5) years.**

The prison term for this offense **is presumed necessary and is mandatory.**

I understand that court costs, restitution and other financial sanctions including day fine, standard fine, and reimbursement for the cost of community sanctions may be imposed.

I understand that if I am charged with multiple counts, the Court could impose consecutive sentences.

I understand that my plea of guilty may result in an additional sentence for a parole or post release control violation, and/or probation or community control sanction violation. I understand that any such sentence shall be consecutive to the instant sentence, if any.

I understand that if I am sent to prison, a period of post release control or supervision by the Adult Parole Authority after release from prison is **optional for three (3) years** pursuant to the charges in Counts 1, 2, 3, 4, & 5 and **mandatory for three (3) years** pursuant to the charges in Counts 7 & 8. A violation of any post-release control rule or condition may result in (1) a more restrictive sanction while released; (2) an increased duration of supervision or control, up to the maximum set out above; and/or (3) re-imprisonment even though I have

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served the entire stated prison sentence imposed upon me by this court for all offenses set out above. Re-imprisonment can be imposed in segments of up to 9 months but cannot exceed a maximum of one-half (½) of the total term imposed for all of the offenses set out above. If I commit another felony while subject to this period of control or supervision I may be subject to an additional prison term consisting of the maximum period of unserved time remaining on post-release control as set out above or 12 months whichever is greater. This prison term must be served consecutively to any term imposed for the new felony I am convicted of committing.

I have been informed by the Court, and understand, that I am eligible for probation or community control sanctions pursuant to the charges in Counts 1, 2, 3, 4, 5, 6 & 7. I am not eligible for probation or community control sanctions pursuant to the charge in Count 8. If this court is not required by law to impose a prison sanction, it may impose a community control sanction or non-prison sanction (“probation”) upon me. If I violate the rules or conditions of such a community control sanction, the court may: (1) extend the time for which I am subject to this sanction up to a maximum of 5 years; (2) impose a more restrictive sanction; and/ or (3) imprison me for up to the maximum term allowed for the offense/offenses as set out above.

I understand that I have the right to a sentencing hearing. I understand that I will be provided with an opportunity to present information relevant to my sentence in this case. I understand that my plea of guilty will result in a finding of guilty and conviction for the above crimes, and that the Court, upon acceptance of a plea of guilty, can sentence me immediately after accepting my plea and upon completion of my sentencing hearing.

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Additionally, I expressly acknowledge and understand that under the terms of this plea agreement and/or relevant law regarding Judicial Release, the following is applicable:
the State will oppose judicial release.

Further, I expressly acknowledge and understand that the victim or victim's representative is neither a party to, nor bound by, the terms of this plea agreement, and the victim or the victim's representative retains the right to make a statement regarding Judicial Release or other similar modifications of sentence.

The Court and my Attorney have advised me that by entering this Plea of Guilty I am waiving (giving up) the following Constitutional Rights:

My right to a jury trial or trial to the Court;

My right to confront and cross-examine the witnesses against me;

My right to have compulsory process for obtaining witnesses in my favor;

My right to require the State to prove my guilt beyond a reasonable doubt at a trial;

My right not to be compelled to testify against myself; and

My right to appeal upon conviction after a trial.

I specifically acknowledge that I understand all of the above, and I expressly waive all of those rights, including my right to a trial by jury, as to each and every count.

I have further advised my attorney and this Court that I am a citizen of the United States of America. The Court has also explained that if I am not a citizen of the United States, by pleading guilty I may be subjected to deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

My attorney has advised me that I may only be able to appeal the imposition of a maximum sentence or other procedural issues regarding this plea. I also understand my other

limited appellate rights that have been explained to me by the Court, and that I must file an appeal within thirty (30) days of my sentence. I also understand that under certain circumstances, the State may appeal my sentence.

My attorney and I have fully discussed the facts and circumstances surrounding this case including the names of all witnesses. My attorney has investigated these facts and circumstances to the best of my knowledge and has discussed with me the making of or the necessity of pre-trial motions. I am satisfied with my attorney, and that he/she has effectively and diligently represented me.

This agreement reflects the entire agreement between the State of Ohio and me. No other promises or representations have been made to me.

I am, therefore, satisfied that I am now entering this plea with full understanding of my legal rights under the facts and circumstances as explained to me by my attorney and the Court.

The underlying agreement upon which this plea is based is as follows:

The Defendant to undergo PSI with recommended sentence. The State and Defendant jointly recommend a sentence of six (6) months on Counts 1, 2, 5 & 6, and two (2) years on Counts 3, 4, 7 & 8, all sentences to run concurrently to each other and concurrent to Trumbull County Common Pleas Court Case No. 2010-CR-149.

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I hereby withdraw my former plea of not guilty and enter a plea of guilty to the above charges. No threats or promises have been made to me by anyone to obtain my Plea of Guilty. I acknowledge that I am pleading guilty freely and voluntarily.

DEFENDANT

and STATE OF OHIO, By

DOUGLAS S. WINLAND
DEFENDANT

CHRISTOPHER D. BECKER
ASSISTANT PROSECUTING ATTORNEY

ROGER R. BAUER
ATTORNEY FOR DEFENDANT

The Court is satisfied that there is a factual basis for the plea, that the Defendant was advised of all his constitutional rights, and that he understood and waived them before entering the plea. The above plea of guilty is accepted, and the Defendant is found guilty of the charges as contained within this plea agreement.

DATE

HONORABLE JOHN M. STUARD
JUDGE, COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

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